

educational events that benefit everyone in her hometown of Anderson, South Carolina.

Mr. Speaker, it is my great privilege to stand here and honor Margaret Fretwell with my deepest thanks for her continued service and contributions to her local community. It is my hope that those that have been touched by her generosity will remember her example and use it in their own lives.

#### 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

SPEECH OF

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 8, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes:

Mr. FARR. Mr. Chairman, I rise in opposition to the Ose amendment.

My friend and colleague from California has indicated that Navy facilities in San Diego are at risk if his amendment is not passed.

I have a Navy facility in my district so I can appreciate his concern. In fact, after September 11th, the Navy constructed a force protection barrier around their facility in Monterey.

But, I disagree with my colleague over his efforts to exempt the construction of portions of a 14-mile immigration barrier south of San Diego from most of the Nation's environmental laws.

A society is judged by how it reacts to adversity, and after 9/11 this Chamber and this country were galvanized into action in the wake of that tragic day.

There is not a single member in this Chamber that isn't willing to fight terrorism or to protect our country and its citizens. Let's get that straight.

The amendment we have before us now is more about immigration control than it is about national security. P.L. 104-208 authorized the construction of fencing and road improvements in the border area near San Diego, CA.

In short, the border improvements were pursued, planned, and construction started before 9/11.

So, we know there will be improvements to the barriers at the border. I don't question the importance of completing the fence—that's not what this is about.

What this amendment is about is ignoring—worse, circumventing—an ongoing process.

Mr. Ose's ill-conceived amendment attempts to fix a problem that doesn't exist.

This amendment undermines and overturns efforts made by local communities, civic groups, State agencies, and elected representatives who have been working to come to consensus with the Bureau of Customs and Border Protection.

This amendment even exempts from protection the Bald Eagle, a symbol of America's freedom that is surpassed only by our American Flag.

My colleagues should be aware that the California Coastal Commission continues to

work hard to complete the Southwest Border Fence, in compliance with the regulatory process established by 16 of our most essential public health, environmental, and cultural heritage laws and executive orders.

In fact, a meeting is scheduled for the 26th of October to work out the concerns between the Coastal Commission and the Department of Homeland Security's office of Homeland Security, Customs and Border Protection in charge of construction to resolve this issue.

We are a country built on laws. Our laws are in place not only to protect us today but also to protect this great nation for future generations.

There is no good reason why this project requires such a sweeping free ride.

By shirking the process and simply giving this project a blanket exemption from 16 of our most essential environmental laws, we are submitting that we can't do more than one thing at a time—and I don't, and won't, accept this.

I have more faith in our country, our laws, and the process.

This amendment will set a horrible precedent on multiple levels and I encourage all of my colleagues to vote "no."

#### A PROCLAMATION IN MEMORY OF WILLIAM HINIG

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of William Hinig; and

Whereas, William Hinig was a highly esteemed legislator who served in the Ohio House of Representatives for twenty-five years; and

Whereas, William Hinig worked tirelessly as Chairman of both the House Ways and Means Committee and the House Finance and Appropriations Committee to promote bipartisanship and help the people of Ohio; and

Whereas, William Hinig honorably fought for his country during World War II, receiving a Purple Heart for injuries received at Normandy; and

Whereas, William Hinig worked in and contributed to the financial industry by aiding in the founding of the accounting firm of Hinig and Miller; and

Whereas, the integrity William Hinig possessed, and the compassion he showed towards others, will stand as reminders to a truly remarkable person. His life and love gave joy to all who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of William Hinig.

#### CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

SPEECH OF

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 8, 2004*

Mr. WAXMAN. Mr. Speaker, I want to discuss a number of provisions included in the conference report for H.R. 4200, the Defense Authorization bill for fiscal year 2005.

The conference report includes a provision that restricts from access under the Freedom of Information Act (FOIA), "data that are collected by land remote sensing and are prohibited from sale to customers other than the United States and its affiliated users." The effect of this language is that non-confidential commercial satellite imagery, which the government has purchased, would be restricted from disclosure to the public. This section extends this restriction to products that are derived from those data. That would mean that maps, reports, and any other analyses or communications that are derived from the exempted satellite image would also be inaccessible through FOIA. This section also preempts State and local public disclosure laws that would provide access to these data.

Public access to these data and products derived from these data is essential for effective participation in governmental actions, especially those by local governments that affect their daily lives. Government agencies use licensed and/or purchased imagery data in regulatory proceedings and numerous other mandated activities. The public requires access to this imagery in order to participate in these proceedings and importantly, to be informed about the activities of Government. This point was emphasized by the National Academy of Sciences in its recent report, *Licensing Geographic Data and Services*:

When geographic data are used to design or administer regulatory schemes or formulate policy, affect the rights and obligations of citizens, or have likely value for the broader society as indicated by a legislative or regulatory mandate, the agency should evaluate whether the data should be acquired under terms that permit unlimited public access or whether more limited access may suffice to support the agency's mandates and missions and the agency's actions in judicial and other review. (page 229).

The bill's sweeping exemption is even contradictory to the advice the administration has solicited on access to geospatial information. In a report prepared for the National Geospatial-Intelligence Agency, the RAND National Defense Research Institute recommends that Federal agencies and other organizations use an analytical process to assess the potential homeland security sensitivity of specific pieces of publicly available geospatial information and to determine if restricting access to these specific pieces would enhance security. They recommend that such a process include analysis of the usefulness of the information to an attacker; its uniqueness; and the expected societal benefits of access and the costs of restricting the information.

The process through which this section was developed is contrary to the fundamental principles represented by the Freedom of Information Act. FOIA is a tool for protecting public